

HOUSE RESOLUTION NO. 3

INTRODUCED BY D. GALLIK

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING SENATOR CONRAD BURNS, AS CHAIRMAN OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE, TO ASSIST MONTANA IN MEETING THE STATE'S CONSTITUTIONAL OBLIGATION OF PRESERVING THE CULTURAL INTEGRITY OF THE STATE'S AMERICAN INDIANS UNDER ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION BY PROVIDING \$3 MILLION IN FEDERAL FUNDS TO HELP IMPLEMENT THE "INDIAN EDUCATION FOR ALL" ACT PASSED BY THE 1999 MONTANA LEGISLATURE.

WHEREAS, Article X, section 1(2), of the Montana Constitution states, "The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity"; and

WHEREAS, in 1989, the Montana Supreme Court held in *Helena School District v. State*, 236 Mont. 44, 769 P.2d 684 (1989), that Article X, section 1(2), "establishes a special burden in Montana for the education of American Indian children which must be addressed as a part of the school funding issues"; and

WHEREAS, 15 years later in *Columbia Falls Elementary School District No. 6, et al. v. State*, Cause No. 04-390 (2004), the District Court found that, despite the admonition by the Montana Supreme Court in *Helena School District*, "it would appear that nothing has been done to effectuate subsection (2) of Article X, Section 1, of the Montana Constitution". The Court noted, "To have any meaning or effect, the Indian Education for All Act requires resources and programs, which, in turn, require funding. Despite this, the legislature has provided no funding." The Court continued, "In reality, the State appears to be defenseless on Plaintiffs' claim that Article X, Section 1(2) of the Montana Constitution has not been implemented by the State despite the constitution's direction to do so"; and

WHEREAS, the Montana Supreme Court in its preliminary order of November 9, 2004, affirming the District Court's decision in *Columbia Falls Elementary*, stated, "We affirm the District Court's conclusion that the current funding system violates Article X, Section 1(2), of the Montana Constitution in that the State has failed to recognize the distinct and unique cultural heritage of American Indians and has shown no commitment in its education goals to the preservation of Indian cultural identity"; and

1 WHEREAS, House Bill No. 528, enacted in 1999 and commonly referred to as "Indian education for all",
2 expressed the legislative intent of the Montana Constitution's promise in Article X, section 1(2), but provided no
3 funding since its enactment for implementation of the provisions of Indian education for all, including professional
4 development and teacher training.

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6 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
7 MONTANA:

8 That Senator Conrad Burns, as Chairman of the Interior and Related Agencies Appropriations
9 Subcommittee, be requested to immediately request that the federal budget include a \$3 million grant to the
10 State of Montana to assist the state in preserving the cultural integrity of Montana's American Indians as required
11 by Article X, section 1(2), of the Montana Constitution and implemented by the Montana Legislature through
12 adoption of the "Indian Education for All" Act.

13 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana
14 Congressional Delegation.

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